

REMARKS

Reconsideration and allowance are requested.

This Amendment After Final Rejection will confirm the substance of the February 5, 2003 interview between Examiner Lee; applicants' representatives Thomas J. Folda and Thomas Steinhauer; and applicants' attorney Thomas A. Hodge.

In the November 27 Office Action, the Examiner has made the following rejections:

- A. Claims 1-3, 6, 8-14, 17 and 19-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Heel et al. U.S. Patent 5,094,797.
- B. Claims 4-5, 15-16 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heel et al. U.S. Patent 5,094,797.
- C. Claims 7 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heel et al. U.S. Patent 5,094,797 as applied to Claims 1-6, 8-17 and 19-24 above, and further in view of Brannon U.S. Patent 5,443,775.

These rejections are traversed in view of the following reasoning, the February 5 interview and the enclosed Affidavit of Dr. Friedrich Goffing.

As stated in the prior Amendment filed on August 20, 2002, and as discussed at the February 5 interview, the present invention relates to pigmented molding compositions that have good weatherability. As stated on page 2 of this application, the term "weatherability" refers to the stability of a molded article to environmental factors, such as humidity, ultraviolet radiation, temperature, etc.

The weatherability of a molded article is noticed primarily in the gloss and color retention of that article as a result of exposure to environmental factors. However, the pigmented molded articles of the prior art, over time and after exposure to these environmental factors, tend to lose color and gloss.

Applicants have discovered that if the materials which are used to manufacture a molding composition are carefully selected and utilized, the resulting molded article has good weatherability.

The Heel et al. patent was discussed at length during the February 5 interview. While applicants acknowledge that the Heel et al. patent may disclose a process for preparing a pigmented curable molding compound, this patent does not teach or render obvious applicants' invention as defined by the claims of this application.

A critical element in the present invention is that of weatherability, as shown by applicants' claims. This element, however, is neither taught by nor obvious from the Heel et al. patent.

The cited Heel et al. patent is not concerned with weatherability and, therefore, does not provide any teaching or suggestion in that regard. More specifically, the Heel et al. patent does not mention or discuss the concept of the weatherability of molding compositions, which applicants have done in the present application. Stated another way, the Heel et al. patent fails to recognize the problem solved by applicants - i.e., the production of pigmented molding compositions which have good weatherability.

In the prior Amendment, applicants provided specific references to Examples 1-5 of the Heel et al. patent as failing to lead one having ordinary skill in this art to use that patent as a starting point or basis in the preparation of molding compositions having good weatherability.

As additional evidence that weatherability is not an objective of the Heel et al. patent, and as suggested by the Examiner during the February 5 interview, the enclosed March 28, 2003 Affidavit of Dr. Friedrich Goffing is submitted. Dr. Goffing is a joint inventor of the subject matter disclosed and claimed in the Heel et al. patent.

The enclosed Goffing Affidavit clearly establishes the following:

1. The work which resulted in the Heel et al. patent **was directed toward** the research and development of a simple and inexpensive process for preparing **homogeneously pigmented curable molding compounds**.
2. The work which resulted in the Heel et al. patent **was not directed toward** the research and development of a process for preparing **homogenously pigmented weatherable curable molding compounds**.
3. **Weatherability was not an objective** of the work which resulted in the Heel et al. patent.

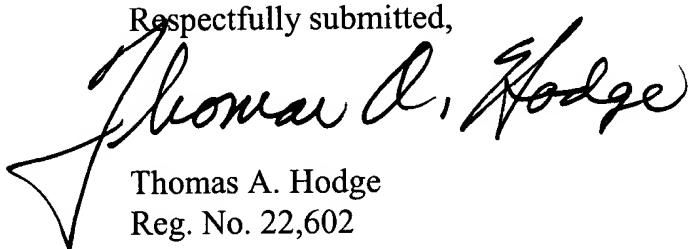
Applicants maintain that the Goffing Affidavit without question provides the evidence sought by the Examiner to establish that applicants' critical element of weatherability is neither taught by nor obvious from the Heel et al. patent.

Therefore, applicants request the removal of these Section 102(a) and 103(a) rejections which are based on the Heel et al. patent.

With regard to Brannon U.S. Patent 5,443,775, applicants contend that the Goffing Affidavit confirms that the addition of aluminum hydrate from this patent to the compounds disclosed in the Heel et al. patent would not render applicants' invention obvious under Section 103.

In view of the above reasoning, the February 5 interview and the enclosed Affidavit of Dr. Friedrich Goffing, applicants maintain that the present application is in condition for allowance, which action is requested.

Respectfully submitted,



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